



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,111	02/23/2004	Eugene August Fusz	46	9116

26362 7590 12/30/2004

LOUIS J. HOFFMAN, P.C.  
14614 NORTH KIERLAND BOULEVARD, SUITE 300  
SCOTTSDALE, AZ 85254

EXAMINER
----------

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/785,111	Applicant(s) FUSZ ET AL.
	Examiner Frantzy Poinvil	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/23/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-26 have been cancelled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin (US Patent No. 4,992,940).

As per claims 27, 46, 50, Dworkin discloses all the claimed invention particularly, an electronic product exchange system (see abstract) comprising:

- (a) a file server accessible through a generally available wide area network (figure 1);
  - (1) from personal computers of a multitude of potential buyers coupled to the network (figure 1 and column 2, lines 1-5), and
  - (2) by a multitude of potential sellers (figure 1 and column 1, lines 63-67);
- (b) a first computer database, accessible to the file server, containing pricing and product configuration data for a multitude of different products for sale (column 3, line 45 to column 4, line 12);
- (c) a processor coupled to the file server and capable of (figure 1):

(1) searching the first computer database for those products of the multitude that match a request containing select product configuration data transmitted through the wide area network by one of the potential buyers (column 5, lines 10-54), and (2) automatically transferring the pricing data and product configuration data of the matching products through the wide area network to the personal computer of the potential buyer who made the request (column 5, line 55 to column 6, line 37); and

(d) a computer database coupled to the file server and capable of automatically recording buyer identification data, seller identification data, price, and product configuration data in response to purchase orders transmitted over the wide area network to the file server from the personal computer of a potential buyer (column 8, lines 9-37).

The only difference between Dworkin and the claimed invention is that Dworkin does not explicitly teach a second computer database. Having a second database to perform the claimed functions and as described by Dworkin would have been obvious to one of ordinary skill in the art in order to provide or assign different tasks to different computer subroutines or hardware so as to provide a much faster system.

As per claims 28, 48, 51 and 64, Dworkin discloses an automated billing system capable of automatically generating a bill for a fee for each purchase order transmitted over the wide area network to the file server from the personal computer of a potential buyer. See column 8, lines 37-57 of Dworkin.

As per claims 29-30, and 47, Dworkin discloses means for potential buyers to post special offers to purchase for consideration by potential sellers. See column 2, lines 41-48.

As per claims 31 and 53, Dworkin discloses providing sellers' identification. Providing a third database for storing sellers' identification is not explicitly taught by Dworkin. Having a third database to perform the claimed functions and as described by Dworkin would have been obvious to one of ordinary skill in the art in order to provide or assign different tasks to different computer subroutines or hardware so as to provide a much faster system.

As per claims 32-33 and 66, the Examiner notes that catalogs are usually updated as new products are being added or deleted. Dworkin discusses having a network for remote access similar to the Internet. Accepting pricing data and product configuration data for allowing the potential sellers to upload the data through the Internet to the computer storage at will is not explicitly taught by Dworkin. Pricing data and configuration data are taught by Dworkin. Performing the acceptance of the pricing data and product configuration data for allowing the potential sellers to upload the data through the Internet to the computer storage at will would have been obvious to one of ordinary skill in the art to do in the system of Dworkin with the motivation of storing all records for all transactions which may be used for conflict resolution purposes.

As per claims 34, 37, 54, 57, 62 and 65, Dworkin discloses providing the lowest prices to the potential buyers.

As per claims 35-36 and 55-56, Dworkin does not explicitly teach the processor is capable of limiting matching products to those products in a geographic region specified by a potential buyer or below a specified price cap. Matching products to those products in a geographic region below the specified price cap or as specified by the potential buyer would have been obvious to do in the system of Dworkin in order to broaden the choices of the

available of products and related prices to users so that a user may obtain a product for a best or lowest available price.

As per claim 38, Dworkin does not explicitly teach the network is linked between the file server and financial institutions. In the system of Dworkin, a user would pay for the purchase of goods or services. Dworkin further teaches obtaining credit from suppliers. See column 10, lines 13-16 of Dworkin. Linking the file server to one or more financial institution would have been obvious to one of ordinary skill in the art to do in the system of Dworkin in order to facilitate billing, accounting and the provision of credits to potential buyers.

As per claims 39 and 49, the system of Dworkin is an online system where a user may access the system from any remote location just like the Internet. See figure 1 and column 2, lines 51-54.

As per claims 40-43 and 58-61, see column 2, lines 19-25 and column 5, lines 45-50 and figures 5-8 of Dworkin.

As per claims 44 and 45, applicant is directed to the rejection of claims 27-43 above.

As per claim 52, see column 2, lines 37-42 of Dworkin.

As per claim 63, see the rejection of claims 27-44 above.

As per claims 32-33 and 66, Dworkin discusses having a network for remote access similar to the Internet. Accepting the pricing data and product configuration data for allowing the potential sellers to upload the data through the Internet to the computer storage at will is not explicitly taught by Dworkin. Pricing data and configuration data are taught by Dworkin. Performing the acceptance of the pricing data and product configuration data for allowing the potential sellers to upload the data through the Internet to the computer storage at will would

have been obvious to one of ordinary skill in the art to do in the system of Dworkin with the motivation of storing all records for all transactions which may be used for conflict resolution purposes.

### **Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP  
December 27, 2004

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
443628